IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 23084 of 2005

Between:

N.Sudershan

..... PETITIONER

AND

The Commissioner of Police,

Cyberabad and another

.....RESPONDENTS

ORDER:

Seeking a Mandamus, declaring the action the 2nd respondent in interfering with the construction activity of the petitioner over the H.No.11-17/1, situated at Medchal village of Ranga Reddy District, as illegal and arbitrary, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Home.

It is stated that the petitioner obtained permission from the Gram Panchayat, Medchal for renovation of his house, vide memo No.GPM/147/1996, and when he started renovation work, the Gram Panchayat issued a notice on 12.06.1996 directing him to stop the renovation work. Aggrieved by the same, the petitioner filed an injunction suit in O.S.No.72 of 1996 on the file of the Junior Civil Judge, Medchal and obtained decree in his favour on 28.02.2002. It is further stated that when the petitioner started renovation work, the

2nd respondent, at the instance of the Executive Officer, Gram Panchayat, Medchal, is interfering with his construction activity over his property, and hence the petitioner is constrained to file this writ petition.

Admittedly, the petitioner was granted permission for renovation of his house and also obtained decree in this respect. It is not made clear that whether the petitioner is entitled to proceed with constructions or not. However, on instructions, the learned Government Pleader for Home submitted that the respondents are not at all interfering with the right of the petitioner over his property. In view of the submissions made by the learned Government Pleader for Home, there is no cause of action giving raise to file this writ petition. Therefore, the writ petition is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No order as to costs.

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V.ESWARAIAH,J

Dated: 28.10.2005

Dsr